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6 Attorneys for Defendant  
BUMBO (PTY) LTD.

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10  
11 DYLAN LAMM, a minor by and  
through his guardian ad litem MARY  
12 CATHERINE DOHERTY; and KEVIN  
LAMM,

13 Plaintiffs,

14 vs.

15 BUMBO; BUMBO LIMITED; BUMBO  
16 (PTY) LTD; TARGET  
CORPORATION, and Does 1 to 20,

17 Defendants.  
18

Case No. C 07-04807 MHP

DECLARATION OF JOHAN  
NICHOLAS BUITENDACH IN  
SUPPORT OF BUMBO (PTY)  
LTD.'S MOTION TO DISMISS FOR  
INSUFFICIENT SERVICE OF  
PROCESS AND LACK OF  
PERSONAL JURISDICTION AND  
FOR SANCTIONS

19 I, Johan Nicholas Buitendach, declare:

20 1. I am the Owner of Bumbo (Pty) Ltd. This declaration is submitted  
21 in support of Bumbo (Pty) Ltd.'s motion to dismiss for insufficient service of  
22 process and lack of personal jurisdiction. I have personal knowledge of the  
23 facts attested to in this declaration, except for those facts stated upon  
24 information and belief, and, as to those facts, I believe them to be true. If called  
25 upon to do so, I could and would competently testify to all matters contained  
26 herein.

27 2. Bumbo (Pty) Ltd. is a manufacturing company located in South  
28 Africa which manufactures the Bumbo Baby Sitter, an infant seat.

3. Bumbo (Pty) Ltd. manufactures the Bumbo Baby Sitter pursuant

DECLARATION OF JOHAN NICHOLAS BUITENDACH  
IN SUPPORT OF BUMBO (PTY) LTD.'S MOTION TO  
DISMISS

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1 to a manufacturing agreement with a separate legal entity, which trades as  
2 Bumbo International. Bumbo International markets and distributes the Bumbo  
3 Baby Sitter to various markets world-wide.

4 4. Bumbo (Pty) Ltd. is a private company which has been organized  
5 under the laws of South Africa and has its principal place of business in  
6 Pretoria, South Africa.

7 5. Bumbo (Pty) Ltd.'s one and only manufacturing plant and its  
8 corporate headquarters are located in Pretoria, South Africa.

9 6. The Bumbo Baby Sitter is manufactured and assembled entirely in  
10 South Africa by Bumbo (Pty) Ltd.

11 7. All employees of Bumbo (Pty) Ltd. are employed at its  
12 manufacturing plant or corporate headquarters in Pretoria, South Africa.

13 8. All officers and directors of Bumbo (Pty) Ltd. also work and reside  
14 in South Africa.

15 9. Bumbo (Pty) Ltd. does not now have and never has had any office,  
16 warehouse or manufacturing facility in the states of California or Texas, or any  
17 place else in the United States.

18 10. Bumbo (Pty) Ltd. does not now have and never has had any  
19 employees in the states of California or Texas, or any place else in the United  
20 States.

21 11. Bumbo (Pty) Ltd. does not now have and never has had a business  
22 license in the states of California or Texas, or any place else in the United  
23 States, and has never been registered to do business in any place in the United  
24 States.

25 12. Bumbo (Pty) Ltd. does not now own and never has owned any real  
26 or personal property in the states of California or Texas, or any place else in the  
27 United States.

28 13. Bumbo (Pty) Ltd. does not now maintain and never has maintained  
a bank account in the states of California or Texas, or any place else in the

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1 United States.

2 14. Bumbo (Pty) Ltd. does not now have and never has had a  
3 California or Texas telephone number, or a telephone number in any other place  
4 in the United States.

5 15. Bumbo (Pty) Ltd. does not now have and never has had a mailing  
6 address in the states of California or Texas, or any place else in the United  
7 States.

8 16. Bumbo (Pty) Ltd. has never paid any taxes in the states of  
9 California or Texas, or any place else in the United States.

10 17. Bumbo (Pty) Ltd. has never conducted any meetings of its board of  
11 directors in the states of California or Texas, or any place else in the United  
12 States.

13 18. Bumbo (Pty) Ltd. does not maintain a sales force in the states of  
14 California or Texas, or any other place in the United States.

15 19. Bumbo (Pty) Ltd. does not now advertise and never has advertised  
16 in the states of California or Texas, or any place else in the United States.

17 20. Bumbo (Pty) Ltd. does not now have and never has had any agents  
18 for service of process in the states of California or Texas, or any place else in  
19 the United States.

20 21. Bumbo (Pty) Ltd. does not now have and never has had any  
21 distributors in the states of California or Texas, or any place else in the United  
22 States, who are authorized to accept service of process on behalf of Bumbo.

23 22. I am informed and believe that a company called Wartburg  
24 Enterprises, Inc., located in Conroe, Texas, is a distributor of the Bumbo Baby  
25 Sitter in Texas. Wartburg Enterprises, Inc. is not the sole distributor of the  
26 Bumbo Baby Sitter in the United States.

27 23. Bumbo (Pty) Ltd. and Wartburg Enterprises, Inc. are separate  
28 companies and do not share common shareholders, officers, directors,  
employees or offices.

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1 24. Wartburg Enterprises, Inc. is not authorized by Bumbo (Pty) Ltd.  
2 to accept service of process on behalf of Bumbo (Pty) Ltd.

3 25. I am informed and believe that Mark Buchanan, Vice President of  
4 Wartburg Enterprises, Inc., received a copy of the summons and complaint in  
5 this matter at Wartburg Enterprises, Inc.'s facility located at 12248 FM 1485,  
6 Conroe, Texas 77306.

7 26. Mark Buchanan is not an owner, officer, director or employee of  
8 Bumbo (Pty) Ltd.

9 27. Mark Buchanan is not authorized by Bumbo (Pty) Ltd. to accept  
10 service of process on behalf of Bumbo (Pty) Ltd.

11 28. Bumbo (Pty) Ltd. does not maintain any offices or employees at  
12 12248 FM 1485, Conroe, Texas 77306.

13 I declare under penalty of perjury under the laws of the United States of  
14 America that the foregoing is true and correct.

15 Executed this 16 day of January, 2008 at PRETORIA SOUTH AFRICA

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18 Johan Nicholas Buitendach  
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